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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,807	08/21/2003	Wen-Pin Lin	LIN 5-1/2100.001000	8034
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WILLIAMS, MORGAN & AMERSON 10333 RICHMOND, SUITE 1100			NGUYEN, TUAN HOANG	
HOUSTON, TX 77042			ART UNIT	PAPER NUMBER
			2618	
			DATE MAILED: 09/25/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
Office Action Commence	10/645,807	LIN ET AL.				
Office Action Summary	Examiner	Art Unit				
	Tuan H. Nguyen	2618				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim rill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	I. lely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1)⊠ Responsive to communication(s) filed on 29 Ju	une 2006					
	action is non-final.					
· =		secution as to the merits is				
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims	A parte quayio, 1000 c.b. 11, 10					
	Claim(s) <u>1-31</u> is/are pending in the application.					
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
· · · · · · · · · · · · · · · · · ·	Claim(s) <u>1-31</u> is/are rejected.					
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or	r election requirement.					
Application Papers						
9) The specification is objected to by the Examine	r.					
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:	•	-(d) or (f).				
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents						
3. Copies of the certified copies of the prior	•	ed in this National Stage				
application from the International Bureau	· · · · · · · · · · · · · · · · · · ·					
* See the attached detailed Office action for a list	or the certified copies not receive	σ.				
Attachment(s)						
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)						
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	Paper No(s)/Mail Da 5) Notice of Informal P	ate atent Application (PTO-152)				
Paper No(s)/Mail Date 6) Other:						

DETAILED ACTION

Response To Arguments

1. Applicant's arguments, see applicant's remarks, filed on 06/29/2006, with respect to the rejection(s) of claims 1-31 under 35 U.S.C § 102(e) and 35 U.S.C § 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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3. Claims 1-5, 11-12, 17, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Nelson Jr. et al. (US PUB. 2004/0009785 hereinafter "Nelson").

Consider claim 1, Nelson teaches receiving a request from a remote unit to provide a power level associated with a transmitting component, wherein the request is transmitted over a communications protocol (page 9 [0122]); measuring a power level of a signal provided by the transmitting component in response to receiving the request from the remote unit (page 9 [0122]); and providing the measured power level to the remote unit over the communications protocol (page 9 [0122] and [0124]).

Consider claim 2, Nelson further teaches determining if the measured power level is within an acceptable range (page 9 [0113]).

Consider claim 3, Nelson further teaches receiving a request from the remote unit to adjust a power level of an output signal provided by the transmitting component in response to determining that the measured power level is outside the acceptable range (page 5 [0063] and page 8 [0106]).

Consider claim 4, Nelson further teaches adjusting the power level of an output signal provided by the transmitting component in response to determining that the measured power level is outside the acceptable range (page 5 [0063] and page 8

[0106]).

Consider claim 5, Nelson further teaches adjusting the power level comprises attenuating the output signal provided by the transmitting component by a preselected amount in response to determining that the measured power level is higher than desired (page 2 [0016]).

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Consider claim 11, Nelson teaches an article comprising one or more machinereadable storage media containing instructions that when executed enable a processor to: receive a request from a remote unit to indicate a power level of a signal provided by a transmitting component (page 9 [0122]); determine a power level of the signal in response to receiving the request from the remote unit (page 9 [0122]); determine if the measured power level is at an acceptable level (page 9 [0113]); and adjust a power level of an output signal provided by the transmitting component by a preselected level in response to determining that the measured power level is not at the acceptable level (page 5 [0063] and page 8 [0106]).

Consider claim 12, Nelson further teaches the instructions when executed enable the processor to increase the power of the output signal by decreasing an amount of attenuation that is applied to the output signal (page 8 [0104]).

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Consider claim 17, Nelson teaches an interface adapted to receive a request from a remote unit to adjust a transmit power level of a first component of a base station (page 9 [0122]); and a control unit communicatively coupled to the interface, the control unit adapted to: determine a power level of an output signal of the first component in response to the request (page 9 [0122]); and provide the determined power level of the

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Consider claim 31, Nelson teaches means for receiving a request from a remote unit to provide a power level associated with a transmitting component, wherein the request is transmitted over a communications protocol (page 9 [0122]); means for measuring a power level of a signal provided by the transmitting component in response to receiving the request from the remote unit (page 9 [0122]); and means for providing the measured power level to the remote unit over the communications protocol (page 9 [0122] and [0124]).

output signal of the first component to the remote unit (page 9 [0122]).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 6, 8 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson Jr. et al. (US PUB. 2004/0009785 hereinafter "Nelson") in view of Schulist et al. (U.S PUB. 2006/0018289 hereinafter "Schulist").

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Consider claim 6, Nelson teaches receiving a request from a remote unit to provide a power level associated with a transmitting component, wherein the request is transmitted over a communications protocol; measuring a power level of a signal provided by the transmitting component in response to receiving the request from the remote unit; and providing the measured power level to the remote unit over the communications protocol.

Nelson does not explicitly show that adjusting the power level comprises decreasing an amount of attenuation applied to the output signal provided by the transmitting component by a preselected amount in response to determining that the measured power level is lower than desired.

In the same field of endeavor, Schulist teaches adjusting the power level comprises decreasing an amount of attenuation applied to the output signal provided by the transmitting component by a preselected amount in response to determining that the measured power level is lower than desired (page 6 [0073]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, adjusting the power level comprises decreasing an amount of attenuation applied to the output signal provided by the transmitting component by a preselected amount in response to determining that the measured

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power level is lower than desired, as taught by Schulist, in order to control access to a node of a wireless communications network in which identification codes are used to differentiate access requests of different network components.

Consider claim 8, Schulist further teaches the transmitting component is a baseband radio, and wherein measuring the power level comprises measuring the power level of at least one of a paging channel, synchronization channel, access channel, traffic channel, and pilot channel (page 5 [0067]).

Consider claim 18, Schulist further teaches the base station services a cellular communications system and wherein the output signal comprises at least one of a paging channel, synchronization signal, traffic channel, access channel, and pilot channel, and wherein the control unit is further adapted to determine if the measured power level is at an acceptable level (page 5 [0067]).

Consider claim 19, Burchfiel further teaches the control is further adapted to adjust a power level of an output signal provided by the transmitting component by a preselected level in response to determining that the measured power level is not at the acceptable level (pages 2 and 3 [0027]).

Consider claim 20, Burchfiel further teaches the control unit is adapted to adjust the power level by adjusting an amount of attenuation that is applied to the output signal (pages 2 and 3 [0027]).

6. Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson Jr. et al. (US PUB. 2004/0009785 hereinafter "Nelson") in view of Burchfiel (U.S PUB. 2004/0092281).

Consider claim 7, Nelson teaches receiving a request from a remote unit to provide a power level associated with a transmitting component, wherein the request is transmitted over a communications protocol; measuring a power level of a signal provided by the transmitting component in response to receiving the request from the remote unit; and providing the measured power level to the remote unit over the communications protocol.

Nelson does not explicitly show that the transmitting component is a baseband radio and wherein signal provided by the baseband radio is deliverable to one of an antenna port and a power meter, and wherein measuring the power level comprises directing the signal provided by the baseband radio to the power meter in response to receiving the request from the remote unit.

In the same field of endeavor, Burchfiel teaches the transmitting component is a baseband radio and wherein signal provided by the baseband radio is deliverable to one of an antenna port and a power meter, and wherein measuring the power level

comprises directing the signal provided by the baseband radio to the power meter in response to receiving the request from the remote unit (page 12 [0153]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, the transmitting component is a baseband radio and wherein signal provided by the baseband radio is deliverable to one of an antenna port and a power meter, and wherein measuring the power level comprises directing the signal provided by the baseband radio to the power meter in response to receiving the request from the remote unit, as taught by Burchfiel, in order to increase the available spectrum in a wireless network.

Consider claim 16, Burchfiel further teaches the transmitting component is a baseband radio and wherein a signal provided by the baseband radio is deliverable to one of an antenna port and a power meter, wherein the instructions when executed enable the processor to direct the signal provided by the baseband radio to the power meter in response to receiving the request from the remote unit (page 12 [0153]).

7. Claims 9 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson Jr. et al. (US PUB. 2004/0009785 hereinafter "Nelson") in view of Evans et al. (U.S PUB. 2004/0257988 hereinafter "Evans").

Consider claim 9. Nelson teaches receiving a request from a remote unit to provide a power level associated with a transmitting component, wherein the request is Art Unit: 2618

transmitted over a communications protocol; measuring a power level of a signal provided by the transmitting component in response to receiving the request from the remote unit; and providing the measured power level to the remote unit over the communications protocol.

Nelson does not explicitly show that the communications protocol is a high-level data link control protocol, wherein the transmitting component is associated with a base station of a cellular communications system, and wherein the remote unit is located in a mobile services switching center associated with the base station.

In the same field of endeavor, Evans teaches the communications protocol is a high-level data link control protocol, wherein the transmitting component is associated with a base station of a cellular communications system, and wherein the remote unit is located in a mobile services switching center associated with the base station (pages 3 and 4 [0038]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, the communications protocol is a high-level data link control protocol, wherein the transmitting component is associated with a base station of a cellular communications system, and wherein the remote unit is located in a mobile services switching center associated with the base station, as taught by Evans, in order to provide a data transmission system for determining whether to allow transmission of data, the data transmission system comprising: a source for transmitting data destined for a destination over a network.

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Consider claim 14, Evans further teaches the transmitting component is associated with a base station of a cellular communications system, wherein the instructions when executed enable the processor to receive the request over a communications protocol from a mobile services switching station associated with the base station (pages 3 and 4 [0038]).

Consider claim 15, Evans further teaches the instructions when executed enable the processor to provide the measured power level to the remote unit located at the mobile services switching center (pages 3 and 4 [0038]).

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson Jr. et al. (US PUB. 2004/0009785 hereinafter "Nelson") in view of Evans et al. (U.S PUB. 2004/0257988 hereinafter "Evans"), and further in view of Mortazavi et al. (U.S PUB. 2002/0188764 hereinafter "Mortazavi").

Consider claim 10, Nelson and Evans in combination, fails to teaches the base station comprises at least a second transmitting component, wherein measuring the power level comprises deactivating the second transmitting component before measuring the power level.

However, Mortazavi teaches the base station comprises at least a second transmitting component, wherein measuring the power level comprises deactivating the second transmitting component before measuring the power level (page 2 [0016]).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Mortazavi into view of Nelson and Evans, in order to provide an exception handler allowing asynchronous invocation of remote objects.

9. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson Jr. et al. (US PUB. 2004/0009785 hereinafter "Nelson") as applied to claim 11 above, and further in view of Kobayashi et al. (U.S PAT. 5,574,993 hereinafter "Kobayashi").

Consider claim 13, Nelson teaches an article comprising one or more machinereadable storage media containing instructions that when executed enable a processor
to: receive a request from a remote unit to indicate a power level of a signal provided by
a transmitting component; determine a power level of the signal in response to receiving
the request from the remote unit; determine if the measured power level is at an
acceptable level; and adjust a power level of an output signal provided by the
transmitting component by a preselected level in response to determining that the
measured power level is not at the acceptable level.

Nelson does not explicitly show that the instructions when executed enable the processor to decrease the power of the output signal by attenuating the output signal by a preselected amount.

In the same field of endeavor, Kobayashi teaches the instructions when executed enable the processor to decrease the power of the output signal by attenuating the output signal by a preselected amount (col. 9 lines 19-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, the instructions when executed enable the processor to decrease the power of the output signal by attenuating the output signal by a preselected amount, as taught by Kobayashi, in order to provide a mobile communication which is capable of maintaining the linearity during a small power output similar to the linearity during a large power output for a radio-frequency power.

10. Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson Jr. et al. (US PUB. 2004/0009785 hereinafter "Nelson") as applied to claim 17 above, and further in view of Nakayama (U.S PUB. 2004/0180686).

Consider claim 21, Nelson teaches an interface adapted to receive a request from a remote unit to adjust a transmit power level of a first component of a base station; and a control unit communicatively coupled to the interface, the control unit adapted to: determine a power level of an output signal of the first component in response to the request; and provide the determined power level of the output signal of the first component to the remote unit.

Nelson does not explicitly show that a power meter, wherein the control unit is adapted to provide the output signal of the first component to the power meter.

In the same field of endeavor, Kobayashi teaches a power meter, wherein the control unit is adapted to provide the output signal of the first component to the power meter (page 2 [0026]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, a power meter, wherein the control unit is adapted to provide the output signal of the first component to the power meter, as taught by Kobayashi, in order to provide a transmission output circuit can always perform correct transmission power control, and can detect the abnormality of transmission power.

Consider claim 22, Evans further teaches a switch device adapted to receive the output signal from the first component and adapted to provide the output signal to at least one of an antenna port and the power meter in response to receiving a signal from the control unit (page 6 [0087]).

11. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson Jr. et al. (US PUB. 2004/0009785 hereinafter "Nelson") in view of Mortazavi et al. (U.S PUB. 2002/0188764 hereinafter "Mortazavi").

Consider claim 23, Nelson teaches an interface adapted to receive a request from a remote unit to adjust a transmit power level of a first component of a base station; and a control unit communicatively coupled to the interface, the control unit adapted to: determine a power level of an output signal of the first component in

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response to the request; and provide the determined power level of the output signal of the first component to the remote unit.

Nelson does not explicitly show that the base station comprises a second component, and wherein the control unit is adapted to deactivate the second component of the base station before determining the power level of the output signal of the first component.

In the same field of endeavor, Mortazavi teaches the base station comprises a second component, and wherein the control unit is adapted to deactivate the second component of the base station before determining the power level of the output signal of the first component (page 2 [0026]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, the base station comprises a second component, and wherein the control unit is adapted to deactivate the second component of the base station before determining the power level of the output signal of the first component, as taught by Mortazavi, in order to provide an exception handler allowing asynchronous invocation of remote objects.

12. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson Jr. et al. (US PUB. 2004/0009785 hereinafter "Nelson") in view of Mortazavi et al. (U.S PUB. 2002/0188764 hereinafter "Mortazavi"), and further in view of Kim (U.S PAT. 6,701,136).

Consider claim 24, Nelson and Mortazavi in combination, fails to teaches the first component is a baseband radio associated with an alpha sector of a first carrier and the second component is a baseband radio associated with the alpha sector of a second carrier.

However, Kim teaches the first component is a baseband radio associated with an alpha sector of a first carrier and the second component is a baseband radio associated with the alpha sector of a second carrier (see fig. 1 col. 2 lines 20-22).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Kim into view of Nelson and Mortazavi, in order to detection and setting of the optimal transmission attenuation values for multiple CDMA channels, thereby reducing time and cost for the detection and setting.

13. Claims 25 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson Jr. et al. (US PUB. 2004/0009785 hereinafter "Nelson") in view of Benveniste (U.S PUB. 2003/0064745).

Consider claim 25, Nelson teaches a communications system, comprising: a base station communicatively coupled to the remote unit over a communications protocol, the base station adapted to: receive the request; measure a power level of a signal provided by a transmitting component (page 9 [0122]); determine if the measured power level is at an acceptable level (page 5 [0063] and page 8 [0106]); and adjust a power level of an output signal provided by the transmitting component by a preselected

level in response to determining that the measured power level is not at the acceptable level (page 5 [0063] and page 8 [0106]).

Nelson does not explicitly show that a remote unit adapted to provide a request to calibrate a transmit power level.

In the same field of endeavor, Benveniste teaches a remote unit adapted to provide a request to calibrate a transmit power level (page 10 [0163]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, a remote unit adapted to provide a request to calibrate a transmit power level, as taught by Benveniste, in order to provide Software coordinates the data collection, RF power setting and channel assignment.

Consider claim 30, Burchfiel further teaches the base station is associated with at least one of a local area network and a cordless communications system (page 5 [0053]).

14. Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson Jr. et al. (US PUB. 2004/0009785 hereinafter "Nelson") in view of Benveniste (U.S PUB. 2003/0064745), and further in view of Kim (U.S PAT. 6,701,136).

Consider claim 26, Nelson and Benveniste, in combination, fails to teaches the base station is a base station for a cellular communications system.

However, Kim teaches the base station is a base station for a cellular communications system (col. 1 line 45 through col. 2 line 15).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Kim into view of Nelson and Benveniste, in order to detection and setting of the optimal transmission attenuation values for multiple CDMA channels, thereby reducing time and cost for the detection and setting.

Consider claim 27, Kim further teaches the base station is adapted to provide a three-carrier, three-sector coverage (see fig. 1 col. 2 lines 20-22).

15. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson Jr. et al. (US PUB. 2004/0009785 hereinafter "Nelson") in view of Benveniste (U.S PUB. 2003/0064745), and Kim (U.S PAT. 6,701,136), and further in view of Rath (U.S PUB. 2005/0068902).

Consider claim 28, Nelson, Benveniste, and Kim in combination, fails to teaches the base station is adapted to provide a six-carrier, six-sector coverage.

However, Rath teaches the base station is adapted to provide a six-carrier, six-sector coverage (see fig. 2 page 2 [0040] and page 3 [0051]).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Rath into view of Nelson, Benveniste, and

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Kim, in order to provide a combination of high data rates to a large number of users and >99% coverage to potential customers in a service area.

16. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson Jr. et al. (US PUB. 2004/0009785 hereinafter "Nelson") in view of Benveniste (U.S PUB. 2003/0064745) as applied to claim 25 above, and further in view of Evans et al. (U.S PUB. 2004/0257988 hereinafter "Evans").

Consider claim 29, Nelson and Benveniste, in combination, fails to teaches the remote unit is located at a mobile services switching center associated with the base station.

However, Evans teaches the remote unit is located at a mobile services switching center associated with the base station (pages 3 and 4 [0038]).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Evans into view of Nelson and Benveniste, in order to provide a data transmission system for determining whether to allow transmission of data, the data transmission system comprising: a source for transmitting data destined for a destination over a network.

Conclusion

17. Any response to this action should be mailed to:

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Mail Stop_____ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

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Hand-delivered responses should be brought to:

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Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571) 272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Tuan Nguyen Examiner Art Unit 2618 QUOCHIEN B. VUONG
PRIMARY EXAMINER